

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Los Angeles
FILE NUMBER: 200500069

REGULATORY PROJECT MANAGER: Malone **Date:** 9 November 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y (Y/N) **Date:** 22 October 2004
 At the project site: Y (Y/N) **Date:** 9 November 2004

PROJECT LOCATION INFORMATION:

State: California
County: Santa Barbara
Center coordinates of site by latitude & longitudinal coordinates: 34 25 51.96N; 119 53 58.09W
Approximate size of site/property (including uplands & in acres): 3.2 acres
Name of waterway or watershed: Ellwood Canyon

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or **Approved X.**

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): The subject wetlands were inspected within several days of heavy winter rains and no evidence of flows leaving or entering the site were observed. The wetlands occupy topographic depressions that likely developed as a result of site preparation for the Ellwood Generating Station rather than from natural processes. The site is bordered on the north by railroad tracks and a tall earthen berm and on the south by a lower berm and a parking lot. The wetlands collect water only from within the 3.2-acre property and do not appear to discharge water from the site during heavy winter rains. There were no channels leading from the wetlands off the property and the wetlands are not adjacent to any waters of the United States. Based on observations made during the site visit, there is no evidence that the wetlands are hydrologically connected to waters of the United States. The nearest water of the United States is an intermittent stream approximately 0.2 mile to the west of the subject wetlands.